

**REMARKS**

Claims 1-18, 21-23, 25-32 and 34-38 remain in the case.

Reconsideration of this Application and entry of the foregoing amendments are requested. Claims 19, 20, 24 and 33 have been cancelled, claims 1-18, 21-23, 25-32 and 34 have been amended and new claims 34-38 have been introduced in view of the Office Action and to better define what the Applicants consider their invention, as fully supported by the enabling disclosure.

**REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH**

The Examiner has rejected claims 11 and 31 under 35 U.S.C. § 112, second paragraph.

Applicant has amended claims 11 and 31 into new claims 11 and 31, respectively, as suggested by the Examiner.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw his rejection of claims 11 and 31 under 35 U.S.C. § 112, second paragraph.

**REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaye in view of Schroeder et al. The Applicants respectfully traverse the rejection as follows.

Applicant has amended independent claims 1, 30 and 32, and replaced the independent claim 19 with a new independent claim 35, to more precisely recite the invention, as supported by the description.

Kaye discloses a computer game method and system making use of predetermined codes, referred to as "Destiny codes" and a program referred to as an "actualization game." The "Destiny codes" encode the outcome of a game (see column 3, lines 5-8). The "actualization game" reads the "Destiny codes" to discover how the game should play (see column 3, lines 40-43; column 5, lines 62-67) since the "Destiny codes" set up the game as a win or lose (column 4, lines 31-33). For a loser "Destiny code," the actualization game sets the variable of the games so that the game will

display a losing outcome and vice-versa (see column 6, lines 1-8). The Destiny codes and the "actualization game" are separate entities (column 12, lines 5-7).

The present invention also makes use of predetermined codes and a program. However, in sharp contrast, the predetermined codes of the present invention, referred to as "initiator codes," encode not only the outcome of a game but also a plurality of sequences of states referred to as "game workflow" via games seeds (see page 7, lines 5-7). Indeed, an initiator code provides a predetermined outcome on the one hand, and generates games seeds on the other hand. From these game seeds, the program generates pseudo random sequences of game states, that are then sorted out so as to match the predetermined outcome encoded in the corresponding initiator code (see page 7). This process yields a plurality of game outcome-game seed pairs allowing a particular outcome to be reached in a number of different ways (see page 27, lines 10-19).

Therefore, it is believed that Kaye teaches away from a computer gambling game comprising at least one initiator code encoding an outcome and a game seed, and a computer program that reads the game seed to generate sequences of game states, wherein the sequences of game states are matched to the outcome to yield game outcome-game seed pairs, allowing a predetermined outcome to be reached by a plurality of game seed-outcome pairs as recited in the amended claim 1.

Since, as discussed hereinabove, the predetermined codes of Kaye are of a different nature and function than the predetermined codes of the present invention, the method for generating a computer gambling game as recited in the new claim 35 and comprising: setting game parameters (page 6, line 25); providing initiator codes encoding game outcomes and game seeds; providing a computer program, the computer program generating sequences of game states from the game seeds (page 7, lines 5-7); and comparing the sequences of game states to the game parameters to yield game outcome-game seed pairs (page 12, lines 11-17), whereby a given game outcome is obtainable by a plurality of different sequences of game states, is believed to be new and inventive over that of Kaye.

For the same reasons as discussed hereinabove, it is submitted that the method for playing a computer gambling game of the present invention, as recited in the amended claim 30, which comprises acquiring an initiator code encoding a predetermined game outcome and game seeds; acquiring a computer program that generates a plurality of sequences of game states from the game seeds; installing the computer program on a personal computer; running the computer program; and inputting the initiator code in the computer program; whereby the computer program uses the initiator code to select sequences of game states that correspond to the predetermined output and executes the selected sequences of game states to yield the corresponding predetermined game outcome, is new and inventive over that of Kaye.

Similarly, it is believed that a computer-readable media to play a computer gambling game, as recited in the amended claim 32, comprising: an initiator code encoding a plurality of game seed and predetermined game outcomes; a computer program to execute a plurality of sequences of game states leading to one of the predetermined game outcomes; and a look-up table storing game outcome-game seed pairs, is new and inventive over Kaye.

Schroeder et al. disclose an interactive and securized lottery-gaming system, wherein a computer program receives as an input an activation code to be able to provide play instructions to a player. Following the player's completion of some activity, the program determines a redemption code linked to the activation code for reducing the possibility of tampering.

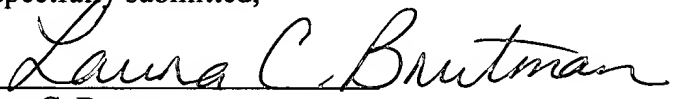
Therefore neither Schroeder et al. nor Kaye teach or even hint at the invention as now recited in claims 1, 30, 32 and 35 and it is believed that a person knowledgeable in the art would not have been led to this invention by combining the teachings of Schroeder et al. and Kaye.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw his rejection of claims 1-34 under 35 U.S.C. § 103.

The rejections of the original claims are believed to have been overcome by the present remarks and the introduction of new claims. From the foregoing, further and favourable action in the form of a Notice of Allowance is believed to be next in order, and such an action is earnestly solicited.

Dated: February 15, 2005

Respectfully submitted,

By   
Laura C. Brutman

Registration No.: 38,395  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant